

SEP-11-06 11:25

From: KILPATRICK STOCKTON LLP

IAP7 Rec'd PCT/PTO 11 SEP 2006

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PTO-1390 (Rev. 07-2005)

Approved for use through 3/31/2007. OMB 0631-0021  
U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A SUBMISSION UNDER 35 U.S.C. 371</b>		<b>ATTORNEY'S DOCKET NUMBER</b> 10557/324491
<b>INTERNATIONAL APPLICATION NO.</b> PCT/GB2004/003101	<b>INTERNATIONAL FILING DATE</b> 19 July 2004 (19.07.04)	<b>U.S. APPLICATION NO. (If known, see 37 CFR 1.5)</b> 10/585,029
<b>TITLE OF INVENTION</b> HIGH STRENGTH BIOREABSORBABLE CO-POLYMERS		<b>PRIORITY DATE CLAIMED</b> 19 July 2003 (19.07.03)
<b>APPLICANT(S) FOR DO/EO/US</b> ROSE, John		

Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:

- ☐ This is a **FIRST** submission of items concerning a submission under 35 U.S.C. 371.
- ☒ This is a **SECOND** or **SUBSEQUENT** submission of items concerning a submission under 35 U.S.C. 371.
- ☐ This is an express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below.
- ☐ The US has been elected (Article 31).
- ☐ A copy of the International Application as filed (35 U.S.C. 371(c)(2))
  - ☒ is attached hereto (required only if not communicated by the International Bureau).
  - ☐ has been communicated by the International Bureau.
  - ☐ is not required, as the application was filed in the United States Receiving Office (RO/US).
- ☐ An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).
  - ☐ is attached hereto.
  - ☐ has been previously submitted under 35 U.S.C. 154(d)(4).
- ☐ Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3))
  - ☐ are attached hereto (required only if not communicated by the International Bureau).
  - ☐ have been communicated by the International Bureau.
  - ☐ have not been made; however, the time limit for making such amendments has NOT expired.
  - ☐ have not been made and will not be made.
- ☐ An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).
- ☒ An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).
- ☐ An English language translation of the annexes of the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).

Items 11 to 20 below concern document(s) or information included:

- ☐ An Information Disclosure Statement under 37 CFR 1.97 and 1.98.
- ☐ An assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.
- ☒ A second preliminary amendment.
- ☐ An Application Data Sheet under 37 CFR 1.76.
- ☐ A substitute specification.
- ☒ A power of attorney and/or change of address letter.
- ☐ A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.
- ☐ A second copy of the published International Application under 35 U.S.C. 154(d)(4).
- ☐ A second copy of the English language translation of the International application under 35 U.S.C. 154(d)(4).

This collection of information is required by 37 CFR 1.414 and 1.491-1.492. The information is required to obtain or retain a benefit by the public, which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 15 minutes to complete, including gathering information, preparing, and submitting the completed form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.

Page 1 of 3

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PAGE 2/26 \* RCVD AT 9/11/2006 11:23:45 AM [Eastern Daylight Time] \* SVR:USPTO-EFXXF-1/22 \* DNIS:2738300 \* CSID:+4048156118 \* DURATION (mm:ss):06:28

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PTO-1390 (Rev. 07-2005)

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U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

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U.S. APPLICATION NO. (if known, see 37 CFR 1.5) 10/585,029		INTERNATIONAL APPLICATION NO. PCT/GB2004/003101		ATTORNEY'S DOCKET NUMBER 10557/324491	
20. Other Items or Information: This certifies that this document is being transmitted by facsimile on the 11 <sup>th</sup> day of September, 2006 Angela M. Rossi <i>Angela M. Rossi</i>					
The following fees are submitted:				CALCULATIONS	PTO USE ONLY
21. <input checked="" type="checkbox"/> Basic national fee (37 CFR 1.492(a)).....\$300				\$	
22. <input checked="" type="checkbox"/> Examination Fee (37 CFR 1.492(c)) If the written opinion prepared by ISA/US to the international preliminary examination report prepared By IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 All other situations.....\$200				\$	
23. <input checked="" type="checkbox"/> Search fee (37 CFR 1.492(b)) If the written opinion prepared by ISA/US to the international preliminary examination report prepared By IPEA/US indicates all claims satisfy provisions of PCT Article 33(1)-(4).....\$0 Search fee (37 CFR 1.445(a)(2)) has been paid on the international application to the USPTO as an International Searching Authority.....\$100 International Search Report prepared by an ISA other than the US and provided in the Office or previously communicated to the US by the IB.....\$400 All other situations.....\$500				\$	
TOTAL OF 21, 22 and 23 =				\$ .00	
<input type="checkbox"/> Additional fee for specification and drawings filed in paper over 100 sheets (excluding sequence listing in compliance with 37 CFR 1.821 (c) or (e) computer program listing filed in an electronic medium) (37 CFR 1.492(g)). The fee is \$250 for each additional 50 sheets of paper or fraction thereof.					
Total Sheets	Extra sheets	Number of each additional 50 or fraction thereof (round up to a whole number)	RATE		
- 100 =	0/50 =		x \$250	\$ 0	
Surcharge of \$130.00 for furnishing any of the search fee, examination fee, or the oath or declaration after the date of commencement of the national stage (37 CFR 1.492(h)).				\$ previously paid	
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE	\$	
Total claims	58 - 20 =	17 previously paid for 41 total claims	x \$50	\$ 850.00	
Independent claims	02 - 3 =	00	x \$200	\$ 0	
MULTIPLE DEPENDENT CLAIM(S) (if applicable)			+ \$360	\$ .00	
TOTAL OF ABOVE CALCULATIONS =				\$850 .00	
<input type="checkbox"/> Applicant claims small entity status, See 37 CFR 1.27. The fees indicated above are reduced by %.				\$ .00	
SUBTOTAL =				\$850 .00	
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$ .00	
TOTAL NATIONAL FEE =				\$850 .00	
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property				\$	
TOTAL FEES ENCLOSED =				\$850 .00	
				Amount to be refunded:	\$
				Amount to be charged: \$850.00	

09/14/2006 GFREY1  
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00000117 10565029  
FORM PTO-1390 (REV. 07-2005)  
850.00 UP

Page 2 of 3

9090983

- a. ☐ A check in the amount of \$ \_\_\_\_\_ to cover the above fees is enclosed.
- b. ☐ Please charge my Deposit Account No. \_\_\_\_\_ in the amount of \$ \_\_\_\_\_ to cover the above fees. A duplicate copy of this sheet is enclosed.
- c. ☒ The Commissioner is hereby authorized to charge any additional fees which may be required, or credit any overpayment of Deposit Account No. 11-0855. A duplicate copy of this sheet is enclosed.
- d. ☒ Fees are to be charge to a credit card. **WARNING :** Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

**NOTE:** Where an appropriate time limit under 37 CFR 1.495 has not been met, a petition to revive (37 CFR 1.37(a) or (b)) must be filed and granted to restore the International Application to pending status.

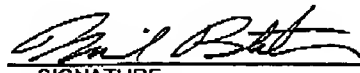
SEND ALL CORRESPONDENCE TO:

John S. Pratt, Esq.

Kilpatrick Stockton LLP

1100 Peachtree Street, Suite 2800

Atlanta, Georgia 30309-4630



SIGNATURE

Michael A. Bertelson

NAME

54,713

REGISTRATION NUMBER

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www.KilpatrickStockton.com



Attorneys at Law

September 11, 2006

direct dial 404 815 6446  
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Arossi@KilpatrickStockton.com

**FAX**

RECIPIENT/ PHONE NO.	FAX NO.	COMPANY/ CITY, STATE, COUNTRY
Central Fax	571.273.8300	Mail Stop Missing Parts U.S. Patent and Trademark Office Alexandria, VA

Angela M. Rossi  
FROM

26  
PAGES (WITH COVER)

2298  
REFERENCE NO

10557/324491  
CLIENT/MATTER NO.

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**COMMENTS**

Re: U.S. Patent Application No. 10/565,029  
Our Ref. No. 10557/324491

US2000 9179989.1

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ATLANTA AUGUSTA CHARLOTTE LONDON NEWYORK RALEIGH STOCKHOLM WASHINGTON WASTON-BALEM

PAGE 1/26 \* RCVD AT 9/11/2006 11:23:45 AM [Eastern Daylight Time] \* SVR:USPTO-EFXXRF-1/22 \* DNIS:2738300 \* CSID:+4048156118 \* DURATION (mm-ss):06-28

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IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

In re Application of:

John Rose

International

Application No. PCT/GB2004/003101

International

Filing Date: 19 July 2004 (19.07.04)

U.S. Serial No. 10/565,029

U.S. Filing Date: 18 January 2006  
(18.01.2006)

For: HIGH STRENGTH BIOREABSORBABLE)  
CO-POLYMERS )

Mail Stop  
Commissioner of Patents  
P. O. Box 1450  
Alexandria, Virginia 22313-1450

Attorney Docket No. 10557/324491  
Date: 11 September 2006

**SUBMISSION OF DECLARATION FOR PATENT APPLICATION AND  
REQUEST FOR CORRECTION OF TITLE**

Sir:

This paper responds to the Notification of Missing Requirements mailed July 10, 2006. Applicant submits an executed Declaration for Patent Application to be filed in connection with the above-identified patent application.

Applicant requests that the title of the application be changed to read:

High Strength Bioresorbable Co-Polymers

Applicant encloses a copy of the first page of the Request and a copy of the first page of the application as published evidencing the correct title.

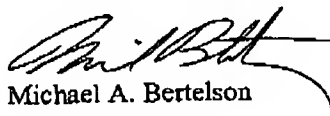
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US2000 942363.1

U.S. Patent Application Serial No. 10/565,029  
Filed: 18 January 2006  
SUBMISSION OF DECLARATION FOR PATENT APPLICATION  
AND REQUEST FOR CORRECTION OF TITLE

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Respectfully submitted,



Michael A. Bertelson

Reg. No. 54,713

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01-31-0875



## UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
 United States Patent and Trademark Office  
 Address: COMMISSIONER FOR PATENTS  
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 Alexandria, Virginia 22313-1450  
 www.uspto.gov

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/565,029	John Rose	10557324491

INTERNATIONAL APPLICATION NO.
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PCT/GB04/03101

I.A. FILING DATE	PRIORITY DATE
07/19/2004	07/19/2003

30559

CHIEF PATENT COUNSEL  
 SMITH & NEPHEW, INC.  
 1450 BROOKS ROAD  
 MEMPHIS, TN 38116

Smith &amp; Nephew, Inc.

JUL 14 2006

LEGAL DEPT.

CONFIRMATION NO. 9169

371 FORMALITIES LETTER



\*OC000000019535880\*

Date Mailed: 07/10/2006

### NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 01/18/2006
- Copy of the International Search Report filed on 01/18/2006
- Copy of IPE Report filed on 01/18/2006
- Preliminary Amendments filed on 01/18/2006
- Oath or Declaration filed on 01/18/2006
- U.S. Basic National Fees filed on 01/18/2006
- Priority Documents filed on 01/18/2006
- Specification filed on 01/18/2006
- Claims filed on 01/18/2006
- Abstracts filed on 01/18/2006

KS Docketing

Docketed for: \_\_\_\_\_  
 Entered on: 7/25/06  
 Initials: WW  
 Previously Entered: \_\_\_\_\_

RCVD JUL 18 '06

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
  - you have improper multi clms, start at clm 17.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

VONDA M WALLACE

Telephone: (703) 308-9140 EXT 225

PART 1 - ATTORNEY/APPLICANT COPY

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/565,029	PCT/GB04/03101	10557324491

FORM PCT/DO/EQ/905 (371 Formalities Notice)